IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1057 (S/S) of 2007

1. Ramesh Giri S/o Late Kamal Giri
   R/o Village Farsali, Post Officer Farsali, District Bageshwar
2. Madhan Singh S/o Sri Ram Singh
   R/o Village Kharku, Post Office Guler, District Bageshwar
3. Grish Prasad S/o Sri Ude Ram
   R/o Village Panora Post Office Kapkote District Bageshwar
4. Rajendra Singh S/o Sri Dhan Singh
   R/o Village Kathayatbara Post Office Bageshwar
   District Bageshwar
5. Mahendra Singh Koranga S/o Sri Dan Singh Koranga
   R/o Village Shama, Post Office Shama, District Bageshwar

-------Petitioners

Versus

1. State of Uttarakhand through its Secretary, Education at Dehradun
2. Additional Director, State Council of Education Research and Training (S.C.E.R.T.) Uttarakhand, Narendra Nagar, District Tehri Garhwal.
3. The Principal of Zila Sansadhan Kendra (D.R.C.), Bageshwar District Bageshwar

-------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ganesh Kandpal, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. a writ, order or direction in the nature of mandamus commanding and directing the respondents to consider the candidature of the petitioner for the special B.T.C. Course.

2. any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
3. Award the cost of the petition to the petitioners.

The case of the petitioners is that prior to publication of advertisement for inviting applications for Special B.T.C. Training Course, their result of B.Ed. for the academic session 2004-05 was declared and the petitioners had passed the B.Ed. examination from Chaudhary Charan Singh University as a regular student. They have been issued provisional mark-sheets on 09.07.2006. Because the mark-sheets were issued under the order of the High Court subject to the decision of the writ petition, later on, original mark-sheets were also issued to the petitioners on 01.08.2007, which is the date after the publication of the advertisement and, consequently, the mark-sheets submitted by the petitioners have not been considered by the respondents on the ground that original mark-sheets were issued to the petitioners after publication of the advertisement.

Learned counsel for the petitioners has submitted that in fact, the petitioners have already passed the B.Ed. examination much prior to the advertisement.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation raising all their grievances before respondent no. 1, Secretary Education, Dehradun and Secretary Education, Dehradun is directed to pass appropriate order on the representation of the petitioners within a period of one week form the date of production of a certified copy of this order along with the representation, if any. It is also expected form

the State Government to make a uniform Policy in this matter and then pass necessary directions to the Officers concerned.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

10.08.2007
VKS